

REMARKS:

In respect to the objections to specification

An amended Abstract is provide to replace the Abstract. The new Abstract is clear and with 150 words.

In respect to Claim Rejections - 35 USC 112

The deficiencies indicated by Examiner in claims have been overcome in the amended claims.

In respect to the Double Patenting:

Regarding Claim 4-5 and 13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 7, and 13 of Shao U.S. Patent No. 7,661,354 B in view of Lambert (US 1774927).

A terminal disclaimer in compliance with 37 CFR 1.3219c) or 1.321(d) is filed herewith to overcome the rejection of double patenting.

In respect to the Claim Rejections- 35 USC 102:

"The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must

somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. See MPEP § 2131 - § 2146 for guidance on patentability determinations under 35 U.S.C. 102 and 103."

Regarding the claims 4-5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert (US 1774927)

1. The claim 4 has new features (under lined) that not disclosed by Lambert as follows:

An electrothermal jug comprising a body, an electric heater on the body, wherein an inner container is provided on the bottom of the body, a funnel is provided on the up-port of the inner container, a filtrating down-layer is arranged in the funnel, and a filtrating up-layer is arranged on the up-port;

the inner bottom extends downwardly to form a step-like shape with the outer bottom, the inner bottom becomes a bottom of the inner container;

an electric heater is disposed on the inner bottom for heating the inner container;

an auxiliary electric heater is provided on an outer bottom between the body and the inner container for heating a space between the body and inner container.

Lambert's kettle has many shortcomings as follows:

In the Lambert, the lid on top of the kettle covers the kettle and the inner vessel. A pipe 25 is opposite to the glass dome element 6 of the lid directly. When water in the inner vessel is boiling, in case of tea or coffee, the inner sides of the lid and dome would be full with tea or coffee stain, and their surface

will be very hot to be difficult for opening. Besides, when opening the lid 24 of inner vessel, the user will touch the outer surface of the lid 24 and contaminate it. Therefore, sanitary problem may arise too. The purpose of the present invention is to overcome these shortcomings.

In the claim 4, a cap is on the inner vessel, covers the opening of said kettle body. This kind of structure makes the boiled water to flow to the space between the kettle body and the inner vessel rather than to the lid of kettle. Therefore, the claim 1 overcomes the shortcomings of Lambert.

Furthermore, in the claim 4 an auxiliary electric heater is provided on an outer bottom between the body and the inner container for heating a space between the body and inner container. But, Lambert has no the auxiliary electric heater.

Furthermore, the claim 4 has the structure of the inner bottom extends downwardly to form a step-like shape with the outer bottom, the inner bottom becomes a bottom of the inner container. This kind of structure is benefit to the assembly of the auxiliary electric heater, but Lambert has no this kind of structure.

Therefore, the claim 4 is patentable under 35 U.S.C. 102(b) over Lambert {US 1774927}.

2. The claim 5 is canceled.

3. The claim 13 has his new feature that the filtrating up-layer is disposed on an overlay of a cover covered on the up-port of the inner container. In Lambert the filtrating up-layer is under the cover. The benefit of claim 13 and the disadvantage of

Lamber have been described on the comment 1 (P8 line 3 from bottom to P9 line 7 of this paper).

The claim 13 is a dependent claim of claim 4, It possesses all new features of claim 4. Therefore, the claim 13 is patentable under 35 USC 102.

In respect to the Claim Rejections- 35 USC 103:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria."

Regarding Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamberq (US 1774927) in view of Khaja (US 3585921) .

4. Claim 6 is canceled.

5. Claim 7 has his new feature that a dry frying thermostat is disposed on the inner bottom.

Lamberg in view of Khaja discloses over temperature thermostat rather a dry frying thermostat.

The claim 7 is a dependent claim of claim 4, It possesses all new features of claim 4. Therefore, the claim 7 is patentable under 35 USC 103(a).

Regarding Claims 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US 1774927) in view of Khaja (US 3585921) as applied to claims 6-7 above, and further in view of Weber (US 3804635).

6. The claims 8, 9 and 10 are dependent claims of claim 4 ultimately. They possess all new features of claim 4. Therefore, they are patentable under 35 USC 103(a).

7. The claims 11 and 12 claim the heat preservation thermostat. In the instant claim the auxiliary heater means the heater for the drink (not water) in space between the body and inner container. The preservation thermostat controls the auxiliary heater.

In Lamber in view of Khaja, no heater for drink (in basket 34) is existed, only has heater for water (in vessel 22). Therefore, Lamber inview of Khaja do not teach the preservation thermostat.

Weber does not disclose the auxiliary heater too. In Weber the heater 32 is under the container 24, in which water is rather than cafe is. There is no heater under the container 114 in which is cafe.

Therefore, Lamber in view of Khaja and Weber do not discloses the preservation thermostat.

The claims 11 and 12 are dependent claim of claim 4 ultimately. They possess all new features of claim 4.

Therefore, claims 11 and 12 are patentable under 35 USC 103(a) over Lambert (US 1774927) in view of Khaja (US 3585921), and further in view of Weber (US 3804635).

Regarding claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US 1774927) in view of Khaia (US 3585921) as applied to claims 6-7 above, and further in view of Komazaki et al. (US 3662155).

8. The claims 9 and 10 are dependent claims of claim 4 ultimately. They possess all new features of claim 4. Therefore, they are patentable under 35 USC 103(a) over Lambert (US 1774927) in view of Khaia, and further in view of Komazaki et al. (US 3662155).

Regarding Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US 1774927) in view of Forshee (US 1477340).

9. The claim 14 is canceled.

10. Claim 26 is new. it is patentable as it is a dependent claim of claim 4.

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tianhua Gu". The signature is stylized with a large, looped "T" and a cursive "Gu".

/Tianhua Gu/

6/27/2011

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